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Attorneys for Defendants CITY OF NAPA and  
NAPA POLICE OFFICER THOMAS KEENER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUIS ALEJANDRE,

Plaintiff,

v.

CITY OF NAPA, NAPA POLICE OFFICER  
THOMAS KEENER, and DOES 1 through 20,  
inclusive,

Defendants..

Case No. C12-4985 JCS

**STIPULATION AND ~~PROPOSED~~ ORDER  
MOVING HEARING DATE FOR MOTION TO  
DISMISS AND CASE MANAGEMENT  
CONFERENCE DATE AND RULE 26 AND ADR  
RELATED DATES**

The initial Case Management Conference was scheduled for Friday March 29, 2013 but the Court has now moved the CMC date to Friday May 3, 2013 which is the same date for a hearing on defendants' Motion to Dismiss.

Defense counsel Gregory M. Fox is providing pro bono service to the University of California - San Francisco Langley Porter Institute Post Doctoral Forensic Law and Psychiatry Fellowship Program by serving as a legal counsel during a Mock Trial Friday May 3, 2013 at San Francisco Superior Court during which the forensic psychiatric fellows will testify as part of their training program.

1           Plaintiffs counsel William C. Johnson is leaving on a planned vacation and flying to Paris,  
 2 France on April 29, 2013 and will not be returning until May 4, 2013. Roundtrip airline tickets have  
 3 been purchased and there is a prepaid cancellation penalty.

4           It is respectfully requested that the Court move both the hearing on the Motion to Dismiss and  
 5 the Case Management Conference from Friday May 3, 2013 to Friday May 17, 2013. A joint CMC  
 6 statement to be filed on or before Friday May 10, 2013. If the Court prefers and is amenable the  
 7 parties request that the CMC be held at ten am following the hearing on the Motion to Dismiss.

8           The parties further agree that at the time of the Case Management Conference hearing, the date  
 9 of Rule 26 (f) disclosures and ADR process should be re-scheduled to a new date to allow time for a  
 10 ruling on the Motion to Dismiss, the parties review of said decision and the results of the Case  
 11 Management Conference all of which will help frame the issues.

12           Based on this good cause the parties, acting by and through their respective legal counsel,  
 13 stipulate and request that the Court order the stipulation of the parties and that the Hearing on the  
 14 Motion to Dismiss and the initial Case Management Conference date both be continued from May 3,  
 15 2013 to May 17, 2013. A joint Case Management Conference Statement to be filed Friday May 10,  
 16 2013. The date for Rule 26 (f) disclosures; and the deadlines for filing the ADR Certification,  
 17 Stipulation to ADR Process or Notice of Need for ADR Phone Conference, to be set by the Court at the  
 18 initial Case Management Conference. So Stipulated:

19  
 20           DATED: March 8, 2013

BENNETT & JOHNSON, LLP

21  
 22           By: \_\_\_\_\_/s/

23           WILLIAM C. JOHNSON  
 24           Attorneys for the Plaintiff  
 25           LUIS ALEJANDRE

DATED: March 8, 2013

BERTRAND, FOX & ELLIOT

By: \_\_\_\_\_/s/  
GREGORY M. FOX  
Attorneys for the Defendants  
CITY OF NAPA and NAPA POLICE  
OFFICER THOMAS KEENER

**ATTORNEY ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“s/”) within this E-filed document.

Dated: March 8, 2013

\_\_\_\_\_/s/  
Gregory M. Fox

**ORDER**

Having considered the stipulated request of the parties, and good cause appearing the Court orders as follows:

The Hearing on the Motion to Dismiss and initial Case Management Conference will be both continued from May 3, 2013 to May 17, 2013. A joint Case Management Conference Statement to be filed Friday May 10, 2013. The date for Rule 26 (f) disclosures and the deadlines for filing the ADR Certification, Stipulation to ADR Process or Notice of Need for ADR Phone Conference, to be set by the Court at the initial Case Management Conference. The hearing on the Motion to Dismiss and CMC to be both held at ~~ten am~~ <sup>1:30 PM - JCS</sup> on Friday May 17, 2013.

IT IS SO ORDERED.

DATED: 03/14/13 \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE Judge Joseph C. Spero  
UNITED STATES DISTRICT JUDGE

